

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AMYRIS, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 23-11131 (TMH)

(Jointly Administered)

**DECLARATION OF PHILIP J. GUND IN SUPPORT OF APPLICATION FOR
ENTRY OF AN ORDER (A) AUTHORIZING THE EMPLOYMENT AND RETENTION
OF GORDON REES SCULLY MANSUKHANI, LLP AS SPECIAL COUNSEL
EFFECTIVE AS OF OCTOBER 21, 2023 AND (B) GRANTING RELATED RELIEF**

I, Philip J. Gund, declare under penalty of perjury as follows:

1. I am the Chief Restructuring Officer (“CRO”) of the above-captioned debtors and debtors in possession (collectively, the “Debtors”), whose corporate headquarters are located at 5885 Hollis Street, Suite 100, Emeryville, CA 94608.

2. I submit this declaration (the “Declaration”) in support of the *Debtors’ Application for Entry of an Order (A) Authorizing the Employment and Retention of Gordon Rees Scully Mansukhani, LLP as Special Counsel Effective as of October 21, 2023 and (B) Granting Related Relief* (the “Application”).² Except as otherwise noted, I have personal knowledge of the matters set forth herein.

The Debtors’ Selection of Gordon Rees as Special Counsel

3. Gordon Rees Scully Mansukhani, LLP (“Gordon Rees” or the “Firm”) is proposed to serve as special counsel to the Debtors. The Debtors recognize that a comprehensive review process is necessary when selecting and managing counsel. To that end, the review process

¹ A complete list of each of the Debtors in these Chapter 11 Cases may be obtained on the website of the Debtors’ claims and noticing agent at <https://cases.stretto.com/Amyris>. The location of Debtor Amyris Inc.’s principal place of business and the Debtors’ service address in these Chapter 11 Cases is 5885 Hollis Street, Suite 100, Emeryville, CA 94608.

² Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Application.

used by the Debtors here assessed potential counsel based on their expertise in the relevant legal issues and in similar proceedings. Using this review process, the Debtors retained Gordon Rees to serve as their special counsel.

4. Ultimately, the Debtors retained Gordon Rees because of its extensive experience in litigation matters similar to those in which it has been engaged and because of its prior representation of the Debtors. Thus, I believe that Gordon Rees is well-qualified to represent the Debtors as special counsel in these Chapter 11 Cases.

Rate Structure

5. In my capacity as CRO, I am responsible for supervising outside counsel retained by the Debtors in the ordinary course of business. Gordon Rees has informed the Debtors that its rates are consistent with similar representations. Gordon Rees has informed the Debtors that the Firm's standard hourly rates are subject to periodic adjustment in accordance with the Firm's practice and that it will provide reasonable notice to the Debtors, the United States Trustee, and the Committee before implementing any such periodic rate increases. I am also responsible for reviewing the invoices regularly submitted by Gordon Rees, and I can confirm that the Firm's rates change periodically, like other peer firms, and that each fee structure is a common point of discussion with each engagement.

Cost Supervision

6. The Debtors have developed a prospective budget for the postpetition period for services to be provided by all professionals, including Gordon Rees, recognizing that, in larger chapter 11 cases, it is possible that there may be a number of unforeseen fees and expenses that will need to be addressed by the Debtors and Gordon Rees. The Debtors further recognize their responsibility to monitor closely the billing practices of counsel to ensure that the fees and

expenses paid by the estates remain consistent with the Debtors' expectations and the exigencies of the Chapter 11 Cases. The Debtors will timely review the invoices that Gordon Rees regularly submits.

7. The Debtors will continue to bring discipline, predictability, client involvement, and accountability to the counsel fee and expense reimbursement process. While every chapter 11 case is unique, the budgets will provide guidance on the periods of time involved and the level of attorneys and professionals that will work on the various matters.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: November 20, 2023

/s/ Philip J. Gund

Philip J. Gund
Chief Restructuring Officer